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General Assembly

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Fifty-eighth session
Third Committee
Agenda item 117 (a)
Human rights questions: implementation of human rights instruments

Afghanistan, Angola, Argentina, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cameroon, Canada, Chile, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lesotho, Liechtenstein, Luxembourg, Mexico, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Zambia: draft resolution

Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights,[1] article 7 of the International Covenant on Civil and Political Rights,[2] the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[3] and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling also that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of internal or international disturbance or armed conflict, and that the prohibition of torture is explicitly affirmed in all relevant international instruments,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] Resolution 3452 (XXX), annex.

03-60445 (E) 101103

Recalling further all previous resolutions or decisions on torture and other cruel, inhuman or degrading treatment or punishment of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular Assembly resolution 57/200 of 18 December 2002 and Commission resolution 2003/32 of 23 April 2003,[4]

Recalling the recommendation contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[5] that high priority be given to providing the necessary resources to assist victims of torture and effective remedies for their physical, psychological and social rehabilitation, inter alia, through additional contributions to the United Nations Voluntary Fund for Victims of Torture,

Noting with satisfaction the existence of a considerable international network of centres for the rehabilitation of victims of torture, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

Mindful of its proclamation, in its resolution 52/149 of 12 December 1997, of 26 June as the United Nations International Day in Support of Victims of Torture,

1. *Condemns* all forms of torture, including through intimidation, as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[6]

2. *Urges* all Governments to promote the full implementation of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[5] stresses in particular that all allegations of torture or other cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed, and that national legal systems should ensure that the victims of such acts obtain redress, are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation, and encourages the development of rehabilitation centres for victims of torture;

3. *Takes note* of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment annexed to its resolution 55/89 of 4 December 2000 as a useful tool in efforts to combat torture;

4. *Urges* Governments to take effective measures to provide redress and to prevent torture and other cruel, inhuman or degrading treatment or punishment, including their gender-based manifestations;

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[4] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[5] A/CONF.157/24 (Part I), chap. III.

[6] Resolution 39/46, annex.

5. *Stresses* that, under article 4 of the Convention, torture must be made an offence under domestic criminal law, and emphasizes that acts of torture are serious violations of international humanitarian law and that the perpetrators are liable to prosecution and punishment;

6. *Notes with appreciation* that one hundred and thirty-four States have become parties to the Convention, and urges all States that have not yet done so to become parties to the Convention as a matter of priority;

7. *Invites* all States ratifying or acceding to the Convention and those States that are parties to the Convention and have not yet done so to consider joining the States parties that have already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

8. *Urges* all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

9. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

10. *Emphasizes* the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

11. *Stresses*, in this context, that States must not punish personnel referred to in paragraph 10 above for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

12. *Calls upon* States parties to consider signing and ratifying the Optional Protocol to the Convention which was adopted on 18 December 2002 in resolution 57/199 and which provides further measures for the use in the fight against and prevention of torture, and notes in this context that ratifications from twenty States parties are required for the Optional Protocol to enter into force, and that twenty-one States have already signed the Protocol and two States have ratified it;

13. *Calls upon* all Governments to take appropriate effective legislative, administrative, judicial or other measures to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment;

14. *Welcomes* the work of the Committee against Torture and the report of the Committee,[7] submitted in accordance with article 24 of the Convention;

15. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with his mandate established in General Assembly resolution 48/141 of 20 December 1993, to continue to provide, at the request of Governments, advisory services for the preparation of national reports to the Committee and for the

[7] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 44* (A/58/44).

prevention of torture, as well as technical assistance in the development, production and distribution of teaching material for this purpose;

16. *Urges* States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

17. *Welcomes* the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture,[8] describing the overall trends and developments with regard to his mandate, and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture;

18. *Invites* the Special Rapporteur to continue to examine questions of torture and other cruel, inhuman or degrading treatment or punishment directed against women, and conditions conducive to such torture, and to make appropriate recommendations for the prevention and redress of gender-specific forms of torture, including rape or any other form of sexual violence, and to exchange views with the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, with the aim of enhancing further their effectiveness and mutual cooperation;

19. *Also invites* the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and other cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations for the prevention of such torture;

20. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to respond appropriately and expeditiously to his urgent appeals and to give serious consideration to requests by the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur in following up his recommendations;

21. *Reiterates* the need for the Special Rapporteur to be able to respond effectively, in particular to urgent appeals, to credible and reliable information that comes before him, and invites the Special Rapporteur to continue to seek the views and comments of all concerned, in particular Member States;

22. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by Governments to his recommendations, visits and communications, including progress made and problems encountered;

23. *Stresses* the need for the continued regular exchange of views among the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, inter alia, by improving their coordination;

[8] See A/58/120.

24. *Expresses its gratitude and appreciation* to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;[9]

25. *Stresses* the importance of the work of the Board of Trustees of the Fund, and appeals to all Governments and organizations to contribute annually to the Fund, preferably by 1 March before the annual meeting of the Board, if possible with a substantial increase in the level of contributions, so that consideration may be given to the ever-increasing demand for assistance;

26. *Requests* the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund and to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

27. *Also requests* the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and in its efforts to make better known the existence of the Fund and the financial means currently available to it, as well as in its assessment of the global need for international funding of rehabilitation services for victims of torture and, in this effort, to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

28. *Further requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

29. *Invites* donor countries and recipient countries to consider including in their bilateral programmes and projects relating to the training of armed forces, security forces, prison and police personnel and health-care personnel matters relating to the protection of human rights and the prevention of torture, while bearing in mind a gender perspective;

30. *Requests* the Secretary-General to submit to the Commission on Human Rights at its sixtieth session and to the General Assembly at its fifty-ninth session a report on the status of the Convention and a report on the operations of the Fund;

31. *Calls upon* all Governments, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

32. Decides to consider at its fifty-ninth session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture.

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[9] See A/58/284.

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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Armenia, Belarus, Kazakhstan, Republic of Moldova, Russian Federation and Tajikistan: draft resolution

Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

The General Assembly,

Recalling its resolutions 48/113 of 20 December 1993, 49/173 of 23 December 1994, 50/151 of 21 December 1995, 51/70 of 12 December 1996, 52/102 of 12 December 1997, 53/123 of 9 December 1998 and, in particular, 54/144 of 17 December 1999 and 56/134 of 19 December 2001,

Taking note of the report of the Secretary-General,[1]

Having considered the report of the United Nations High Commissioner for Refugees,[2]

Reaffirming the importance and continuing validity of the Programme of Action, adopted in 1996 by the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States,[3] as a basic guiding tool for future activities,

[1] A/58/281.
[2] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 12* and addendum (A/58/12 and Add.1).
[3] A/51/341 and Corr.1, appendix.

03-60453 (E) 101103

Recognizing the ongoing acuteness of the migration and displacement problems in the countries of the Commonwealth of Independent States and the necessity to follow up the Conference,

Recalling the decision of the Steering Group of the Conference at its fifth meeting to continue activities in the process entitled "Follow-up to the 1996 Geneva Conference on the Problems of Refugees, Displaced Persons, Migration and Asylum Issues" for a period of five years,

Recalling also the Work Plan for the Thematic Issues, prepared jointly by the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the Organization for Security and Cooperation in Europe and the Council of Europe in accordance with the recommendations adopted by the Steering Group at its fifth meeting,

Welcoming the convening, in Moscow from 20 to 23 November 2001, of the second meeting of experts within the framework of this Plan, on the topic of asylum system development and treatment of asylum seekers, as well as international efforts aimed at improving migration regulation and border management, with due regard for refugee protection matters, and encouraging all lead agencies to continue to implement the Work Plan,

Welcoming also the subregional initiatives within the framework of transboundary cooperation and the convening, in Kolmården, Sweden, in September 2002 of the senior-level review meeting,

Reaffirming the view of the Conference that the primary responsibility for tackling population displacement problems lies with the affected countries themselves and that these issues are to be regarded as national priorities, while at the same time recognizing the need for enhancing international support for the national efforts of the countries of the Commonwealth of Independent States aimed at the effective implementation of such responsibilities within the framework of the Programme of Action adopted by the Conference,

Noting with satisfaction the efforts of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe in developing strategies and practical tools for more effective capacity-building in countries of origin and enhancing programmes to address the needs of various categories of concern to the countries of the Commonwealth of Independent States,

Taking note of positive results emanating from the implementation of the Programme of Action,

Convinced of the necessity of further strengthening practical measures and of continuing to maintain the regional approach for the achievement of effective implementation of the Programme of Action,

Noting with concern the decision to postpone the high-level review meeting concerning the implementation of the Conference decisions,

Recalling that the protection and promotion of human rights and the strengthening of democratic institutions are essential to prevent mass population displacement,

Mindful that adherence to the principles and the recommendations contained in the Programme of Action should be facilitated and can be ensured only through cooperation and coordinated activities undertaken in this respect by all interested States, intergovernmental and non-governmental organizations and other actors,

1. *Takes note* of the report of the United Nations High Commissioner for Refugees;[2]

2. *Calls upon* the Governments of the countries of the Commonwealth of Independent States, in cooperation with the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe, to strengthen their efforts and mutual cooperation relating to the follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, and welcomes the positive results achieved by them in the implementation of the Programme of Action adopted by the Conference;[3]

3. *Invites* all States that have not yet done so to accede to and implement fully the 1951 Convention[4] and the 1967 Protocol[5] relating to the Status of Refugees;

4. *Calls upon* States and interested international organizations, in a spirit of solidarity and burden-sharing, to provide appropriate forms and levels of support for activities undertaken in follow-up to the Programme of Action;

5. *Invites* international financial and other institutions to contribute to the financing of projects and programmes within the framework of such follow-up activities;

6. *Invites* the countries of the Commonwealth of Independent States to intensify bilateral, subregional and regional cooperation in maintaining the balance of commitments and interests in such activities;

7. *Calls upon* the Governments of the countries of the Commonwealth of Independent States to continue to strengthen their commitment to the principles underpinning the Programme of Action, in particular principles of human rights and refugee protection, and to lend high-level political support to ensure the implementation of activities undertaken in follow-up to the Programme of Action;

8. *Invites* the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration to enhance their mutual relationship with other key international actors, such as the Council of Europe, the European Commission and human rights, development and financial institutions, in order better to address the wide-ranging and complex issues in activities undertaken in follow-up to the Programme of Action;

9. *Welcomes* the progress made in building civil society, in particular through the development of the non-governmental sector and the development of cooperation between non-governmental organizations and the Governments of a number of countries of the Commonwealth of Independent States, and notes in this

[4] United Nations, *Treaty Series*, vol. 189, No. 2545.

[5] Ibid., vol. 606, No. 8791.

regard the relationship between adherence to the principles of the Programme of Action and success in promoting civil society, especially in the field of human rights;

10. *Encourages* the involvement of intergovernmental and non-governmental organizations in the follow-up to the Conference, and invites them to demonstrate stronger support for the process of multinational constructive dialogue among a wide range of countries concerned;

11. *Emphasizes* the necessity of undertaking follow-up activities to the Programme of Action in relation to ensuring respect for human rights as an important factor in the management of migration flows, the consolidation of democracy, the rule of law and stability;

12. *Recognizes* the importance of taking measures, on the basis of strict adherence to all of the principles of international law, including humanitarian, human rights and refugee law, to prevent situations that lead to new flows of refugees, displaced persons and other forms of involuntary displacement;

13. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the progress achieved in the implementation of activities undertaken in follow-up to the Programme of Action;

14. *Decides* to continue its consideration of the question at its sixtieth session.

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Item 117 (a)
Human rights questions: implementation of human rights instruments

Argentina, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland: draft resolution

International Covenants on Human Rights

The General Assembly,

Recalling its resolution 56/144 of 19 December 2001 and Commission on Human Rights resolution 2002/78 of 25 April 2002,[1]

Mindful that the International Covenants on Human Rights[2] constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,[3] form the core of the International Bill of Human Rights,

Taking note of the report of the Secretary-General[4] on the status of the International Covenant on Economic, Social and Cultural Rights,[2] the International Covenant on Civil and Political Rights[2] and the Optional Protocols to the International Covenant on Civil and Political Rights,[5]

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights

[1] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), part I, chap. II, sect. A.
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 217 A (III).
[4] A/58/307.
[5] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

03-60596 (E) 111103

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should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by States parties in fulfilling the obligations undertaken in the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights and in providing recommendations to States parties on their implementation,

Considering that the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights is indispensable for the full and effective implementation of the International Covenants on Human Rights,

Recognizing the importance of regional human rights instruments and monitoring mechanisms in complementing the universal system of promotion and protection of human rights,

1. *Reaffirms* the importance of the International Covenants on Human Rights[2] as major components of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. *Welcomes again* the initiative of the Secretary-General at the Millennium Assembly of the United Nations to invite heads of State and Government to sign, ratify or accede to the International Covenants on Human Rights, and expresses its appreciation to those States that have done so;

3. *Strongly appeals* to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights[5] and to make the declaration provided for in article 41 of the Covenant;

4. *Invites* the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights with a view to achieving universal adherence;

5. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. *Also emphasizes* that States must ensure that any measure to combat terrorism complies with their obligations under relevant international law, including their obligations under the International Covenants on Human Rights;

7. *Stresses* the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to

provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed, and in this regard particularly takes note of General Comment No. 29 adopted by the Human Rights Committee;[6]

8. *Encourages* States parties to consider limiting the extent of any reservations that they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty;

9. *Also encourages* States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights with a view to withdrawing them;

10. *Welcomes* the annual reports of the Human Rights Committee submitted to the General Assembly at its fifty-seventh[7] and fifty-eighth[8] sessions, and takes note of the General Comments adopted by the Committee;[9]

11. *Welcomes* the reports of the Committee on Economic, Social and Cultural Rights on its twenty-fifth, twenty-sixth and twenty-seventh sessions[10] and on its twenty-eighth and twenty-ninth sessions,[11] and takes note of the General Comments adopted by the Committee;[9]

12. *Urges* States parties to fulfil their reporting obligations under article 40 of the International Covenant on Civil and Political Rights on time and to attend and participate in the consideration of the reports by the Human Rights Committee when so requested, and in this regard takes note of the General Comment No. 30 adopted by the Committee;[9]

13. *Also urges* States parties to fulfil their reporting obligations under article 16 of the International Covenant on Economic, Social and Cultural Rights on time and to attend and participate in the consideration of the reports by the Committee on Economic, Social and Cultural Rights when so requested;

14. *Further urges* States parties to make use in their reports of gender-disaggregated data, and stresses the importance of taking fully into account a gender perspective in the implementation of the Covenants at the national level, including in the national reports of States parties and in the work of the Human Rights Committee and of the Committee on Economic, Social and Cultural Rights;

15. *Strongly encourages* States parties that have not yet submitted core documents to the Office of the United Nations High Commissioner for Human Rights to do so, and invites all States parties regularly to review and update their core documents;

16. *Urges* States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the recommendations

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[6] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40* (A/56/40), vol. I, annex VI.

[7] Ibid., *Fifty-seventh Session, Supplement No. 40* (A/57/40).

[8] Ibid., *Fifty-eighth Session, Supplement No. 40* (A/58/40).

[9] See HRI/GEN/1/Rev.6.

[10] *Official Records of the Economic and Social Council, 2002, Supplement No. 2* (E/2002/22).

[11] Ibid., *2003, Supplement No. 2* (E/2003/22).

and observations made during the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights;

17. *Invites* States parties to give particular attention to the dissemination at the national level of their reports submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the recommendations and observations made by the Committees after the examination of those reports;

18. *Urges* all States to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

19. *Urges* each State party to translate, publish and make available as widely as possible in its territory by appropriate means the full text of the concluding observations on its reports to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

20. *Reiterates* that States parties should take into account, in their nomination of members to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, that the Committees shall be composed of persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience, as well as to equal representation of women and men, and that members serve in their personal capacity, and also reiterates that, in the elections of the Committees, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems;

21. *Invites* the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, when considering the reports of States parties, to continue to identify specific needs that might be addressed by United Nations departments, funds and programmes and the specialized agencies, including through the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights;

22. *Stresses* the need for improved coordination among relevant United Nations mechanisms and bodies in supporting States parties, upon their request, in implementing the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, and encourages continued efforts in this direction;

23. *Welcomes* the meeting between the Human Rights Committee and States parties, held in October 2002, and the meeting between the Committee on Economic, Social and Cultural Rights and States parties, held in May 2003, to exchange ideas on how to render the working methods of the Committees more efficient, and encourages all States parties to continue to contribute to the dialogue with practical and concrete proposals and ideas on ways to improve the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

24. *Also welcomes* the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect those uniform standards, as expressed in the general comments of the Committees;

25. *Recognizes* the importance of further considering the issue of justiciability of the rights set forth in the International Covenant on Economic, Social and Cultural Rights as well as the need for further efforts towards developing indicators and benchmarks in order to strengthen progressively the full realization and enjoyment of these rights;

26. *Takes note with interest* of the establishment by the Commission on Human Rights at its fifty-ninth session of an open-ended working group with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights and making specific recommendations on its course of action concerning the question of such an optional protocol, and encourages all parties to participate actively in the first session of the working group;

27. *Encourages* the specialized agencies that have not yet done so to submit their reports on the progress made in achieving the observance of the provisions of the International Covenant on Economic, Social and Cultural Rights, in accordance with article 18 of that Covenant, and expresses its appreciation to those that have done so;

28. *Encourages* the Secretary-General to continue to assist States parties to the International Covenants on Human Rights in the preparation of their reports, including by convening seminars or workshops at the national level for the training of government officials engaged in the preparation of such reports and by exploring other possibilities available under the programme of advisory services in the field of human rights;

29. *Requests* the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates by providing, inter alia, adequate Secretariat staff resources and conference and other relevant support services;

30. *Welcomes* the initiative of the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps, in particular through the Department of Public Information of the Secretariat, to give more publicity to the work of that Committee and of the Committee on Economic, Social and Cultural Rights;

31. *Requests* the Secretary-General to submit to the General Assembly at its sixtieth session, under the item entitled "Human rights questions", a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.

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Third Committee
Agenda item 117 (a)
Human rights questions: implementation of human rights instruments

Azerbaijan, Colombia, Cuba, Ecuador, Egypt, El Salvador, Guatemala, Mexico, Morocco, Nicaragua, Peru, Philippines and Uruguay: draft resolution

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Guided by the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Convention on the Rights of the Child,[5] and reaffirming the obligation of States to promote and protect human rights and fundamental freedoms,

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Recalling that, despite the existence of an already established body of principles and norms, there is an urgent need to make further efforts worldwide to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Conscious of the marked increase in migratory movements that has occurred, especially in certain parts of the world,

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] Resolution 34/180, annex.
[5] Resolution 44/25, annex.

03-60602 (E) 111103

Deeply concerned at the grave situation of vulnerability of migrant workers and members of their families,

Considering that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6] all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia directed against migrant workers by individuals or groups in segments of many societies,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. *Acknowledges with appreciation* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[7] on 1 July 2003;

2. *Expresses its deep concern* at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in various parts of the world;

3. *Welcomes* the signature or ratification of or accession to the Convention by some States, and takes note of the report of the Secretary-General on the status of the Convention;[8]

4. *Calls again upon* all Member States that have not yet ratified the Convention to consider urgently signing and ratifying or acceding to it;

5. *Expresses its appreciation* for the arrangements for the initial meeting of States parties to the Convention, which will take place on 11 December 2003;

6. *Requests* the Secretary-General to make all necessary provisions for the timely establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, referred to in article 72 of the Convention;

7. *Calls upon* States parties to the Convention to submit in due time their first periodic report, as requested in article 73 of the Convention;

8. *Also requests* the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

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[6] A/CONF.157/24 (Part I), chap. III.

[7] Resolution 45/158, annex.

[8] A/57/291.

9. *Welcomes* the increasing activities of the global campaign for the entry into force of the Convention, and invites the organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to intensify further their efforts with a view to disseminating information on and promoting understanding of the importance of the Convention;

10. *Also welcomes* the work of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants in relation to the Convention, and encourages him to persevere in that endeavour;

11. *Requests* the Secretary-General to submit an updated report on the status of the Convention to the General Assembly at its fifty-ninth session;

12. *Decides* to consider the report of the Secretary-General at its fifty-ninth session under the sub-item entitled "Implementation of human rights instruments".

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Iran (Islamic Republic of): draft resolution

Human rights and cultural diversity

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] as well as other pertinent human rights instruments,

Recalling also its resolutions 54/160 of 17 December 1999 and 55/91 of 4 December 2000, and recalling further its resolutions 54/113 of 10 December 1999 and 55/23 of 13 November 2000 on the United Nations Year of Dialogue among Civilizations,

Noting that numerous instruments within the United Nations system promote cultural diversity, as well as the conservation and development of culture, in particular the Declaration of the Principles of International Culture Cooperation proclaimed on 4 November 1966 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its fourteenth session,[3]

Taking note of the report of the Secretary-General,[4]

Welcoming the adoption of the Global Agenda for Dialogue among Civilizations by its resolution 56/6 of 9 November 2001,

Welcoming also the contribution of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Fourteenth Session, Paris, 1966, Resolutions*.
[4] A/58/309.

03-60672 (E) 111103

Africa, from 31 August to 8 September 2001, to the promotion of respect for cultural diversity,

Welcoming further the Universal Declaration on Cultural Diversity of the United Nations Educational, Scientific and Cultural Organization,[5] together with its Action Plan,[6] adopted on 2 November 2001 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-first session, in which member States invited the United Nations system and other intergovernmental and non-governmental organizations concerned to cooperate with the United Nations Educational, Scientific and Cultural Organization in the promotion of the principles set forth in the Declaration and its Action Plan with a view to enhancing the synergy of actions in favour of cultural diversity,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Taking into account that a culture of peace actively fosters non-violence and respect for human rights and strengthens solidarity among peoples and nations and dialogue between cultures,

Recognizing that all cultures and civilizations share a common set of universal values,

Recognizing also that the promotion of the rights of indigenous people and their cultures and traditions will contribute to the respect for and observance of cultural diversity among all peoples and nations,

Considering that tolerance of cultural, ethnic, religious and linguistic diversities, as well as dialogue among and within civilizations, is essential for peace, understanding and friendship among individuals and people of different cultures and nations of the world, while manifestations of cultural prejudice, intolerance and xenophobia towards different cultures and religions generate hatred and violence among peoples and nations throughout the world,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, and convinced that, in their rich variety and diversity, and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind,

Convinced that the promotion of cultural pluralism and tolerance towards and dialogue among various cultures and civilizations would contribute to the efforts of

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[5] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1: *Resolutions*, chap. V, resolution 25, annex I.

[6] Ibid., annex II.

all peoples and nations to enrich their cultures and traditions by engaging in a mutually beneficial exchange of knowledge and intellectual, moral and material achievements,

1. *Affirms* the importance for all peoples and nations to hold, develop and preserve their cultural heritage and traditions in a national and international atmosphere of peace, tolerance and mutual respect;

2. *Welcomes* the adoption of the United Nations Millennium Declaration of 8 September 2000,[7] in which Member States consider, inter alia, that tolerance is one of the fundamental values essential to international relations in the twenty-first century and that it should include the active promotion of a culture of peace and dialogue among civilizations, with human beings respecting one another in all their diversity of belief, culture and language, neither fearing nor repressing differences within and between societies but cherishing them as a precious asset of humanity;

3. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

4. *Recognizes also* that the preservation and promotion of cultural diversity constitute an important contribution to sustainable development, peaceful coexistence and dialogue between cultures;

5. *Affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

6. *Expresses its determination* to prevent and mitigate cultural homogenization in the context of globalization, through increased intercultural exchange guided by the promotion and protection of cultural diversity;

7. *Affirms* that intercultural dialogue essentially enriches the common understanding of human rights and that the benefits to be derived from the encouragement and development of international contacts and cooperation in the cultural fields are important;

8. *Welcomes* the recognition at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of the necessity of respecting and maximizing the benefits of diversity within and among all nations in working together to build a harmonious and productive future by putting into practice and promoting values and principles such as justice, equality and non-discrimination, democracy, fairness and friendship, tolerance and respect within and among communities and nations, in particular through public information and educational programmes to raise awareness and understanding of the benefits of cultural diversity, including programmes in which the public authorities work in partnership with international and non-governmental organizations and other sectors of civil society;

9. *Recognizes* that respect for cultural diversity and the cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural background, advancing the application and enjoyment of universally accepted human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

[7] See resolution 55/2.

10. *Emphasizes* that the promotion of cultural pluralism and tolerance at the national, regional and international levels is important for enhancing respect for cultural rights and cultural diversity;

11. *Also emphasizes* that tolerance and respect for diversity facilitate the universal promotion and protection of human rights, including gender equality and the enjoyment of all human rights by all, and underlines the fact that tolerance and respect for cultural diversity and the universal promotion and protection of human rights are mutually supportive;

12. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

13. *Urges* States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization and exclusion of, and discrimination against, specific sectors of society;

14. *Calls upon* States, international organizations and United Nations agencies, and invites civil society, including non-governmental organizations, to recognize and promote respect for cultural diversity for the purpose of advancing the objectives of peace, development and universally accepted human rights;

15. *Requests* the Secretary-General, in the light of the present resolution, to prepare a report on human rights and cultural diversity, taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, as well as the considerations in the present resolution regarding the recognition and importance of cultural diversity among all peoples and nations in the world, and to submit the report to the General Assembly at its sixtieth session;

16. *Decides* to continue consideration of this question at its sixtieth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".